

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Appeal No. 2014-1752

JACOBI CARBONS AB, JACOBI CARBONS, INC., NINGXIA GUANGHUA
CHERISHMET ACTIVATED CARBON CO., LTD., CHERISHMET INC., BEIJING
PACIFIC ACTIVATED CARBON PRODUCTS CO., LTD., DATONG MUNICIPAL
YUNGUANG ACTIVATED CARBON CO., LTD., SHANXI INDUSTRY
TECHNOLOGY TRADING CO., LTD., CARBON ACTIVATED CORPORATION,
CAR GO WORLDWIDE, INC., TANGSHAN SOLID CARBON CO., LTD.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee,

and

CALGON CARBON CORPORATION and NORIT AMERICAS, INC.,

Defendants-Appellees.

Appeal from the United States Court of International Trade in
Case Nos. 12-cv-00365, 12-cv-00372, 12-cv-00377, 12-cv-00396, 12-cv-00401,
Judge Richard K. Eaton

ORDER

Upon reading and considering Plaintiffs-Appellants Ningxia Guanghua
Cherishmet Activated Carbon Co., Ltd., Beijing Pacific Activated Carbon Products Co.,
Ltd., Cherishmet Inc., Datong Municipal Yunguang Activated Carbon Co., Ltd., and
Shanxi Industry Technology Trading Co., Ltd.'s (collectively, "Cherishmet") and the
Defendant-Appellee's United States joint unopposed motion for an extension of time,
and upon consideration of all other relevant papers and proceedings, it is

ORDERED that, for good cause shown, Plaintiffs-Appellants' joint unopposed

motion is hereby GRANTED. Direct briefs for **all Plaintiffs-Appellants** shall be filed no later than **November 24, 2014** and response briefs for **all Defendants-Appellees** shall be filed no later than **January 16, 2014**.

SO ORDERED.

For the Court

Dated: _____

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Judge Richard K. Eaton

**JOINT UNOPPOSED MOTION FOR ENLARGEMENT OF TIME FOR
DIRECT BRIEFS FOR ALL PLAINTIFFS-APPELLANTS AND FOR
RESPONSE BRIEFS FOR ALL DEFENDANTS-APPELLEES**

Pursuant to Fed. R. App. P. 26(b) and Fed Cir. R. 26(b), Plaintiffs-Appellants
Ningxia Guanghai Cherishmet Activated Carbon Co., Ltd., Beijing Pacific Activated
Carbon Products Co., Ltd., Cherishmet Inc., Datong Municipal Yunguang Activated
Carbon Co., Ltd., and Shanxi Industry Technology Trading Co., Ltd.’s (collectively,
“Cherishmet”) and Defendant Appellee United States respectfully request that this

Court grant an additional 14 -day extension of time, until and including **November 24, 2014**, for all Plaintiffs-Appellants to file their direct briefs in this proceeding. Plaintiffs-Appellants' direct briefs are currently due on November 10, 2014. This is the second request for extension for the deadline to submit direct briefs for all Plaintiffs-Appellants.

With this motion, Defendant-Appellee United States further requests that the Court grant an additional 14-day extension, until and including **January 16, 2015**, to all Defendants-Appellees for the submission of their Response Briefs. This is the first request for an enlargement of time for the filing of Defendants' Appellees' Response Briefs.

Good cause exists to grant this requested enlargement of time. Specifically, the attorneys for Cherishmet responsible for this case have had conflicting deadlines that are statutorily mandated and cannot be changed in the International Trade Commission's final phase investigation of Tetrafluoroethane from China, as well as a number of filings at the Department of Commerce, and briefs due in several other cases before the Court of International Trade and this Court, including CIT Court No. 12-133, 12-386, and CAFC Court No. 12-1269. These conflicts will prevent the specific attorneys responsible for this appeal from finalizing the brief within the current schedule. The requested time enlargement, however, will allow counsel for Cherishmet the opportunity to fully present its arguments without causing prejudice to the other parties to this appeal. Aligning the deadlines for direct briefs for all Plaintiffs-Appellants would assist in the more efficient administration of this case.

Good cause also exists for the 14-day extension being requested on behalf of Defendants-Appellees, as their response briefs would otherwise conflict with the holiday season.

Pursuant to Fed Cir. R. 26(b), counsel for Cherishmet has conferred with all parties regarding this request: Nancy Noonan consented on behalf of Carbon Activated Corporation and Car Go Worldwide; Greg Menegaz and Kevin Horgan consented on behalf of Tangshan Solid Carbon Co., Ltd.; Antonia Soares consented and joined the motion on behalf of the United States; John Herrmann consented on behalf of Calgon Carbon Corporation and Norit Americas Inc.; Daniel Porter, on behalf of Jacobi Carbons AB and Jacobi Carbons Inc., indicated that Jacobi does not oppose either the motion or the United States' request, but would prefer that any additional delay be kept to an absolute minimum.

For these reasons, we respectfully request that this Court grant this motion for an enlargement of time.

Respectfully submitted,

/s/Francis J. Sailer

Francis J. Sailer

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Attorneys for Plaintiff - Appellants

Dated: November 3, 2014

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

JACOBI CARBONS AB V. U.S., 2014-1752, -1754

CERTIFICATE OF INTEREST

Pursuant to Rule 47.4 of the Rules of the U.S. Court of Appeals for the Federal Circuit, counsel for Plaintiffs-Appellants, Ningxia Guanghai Cherishmet Activated Carbon Co., Ltd., Beijing Pacific Activated Carbon Products Co., Ltd., Cherishmet Inc., Datong Municipal Yunguang Activated Carbon Co., Ltd., and Shanxi Industry Technology Trading Co., Ltd., certify the following:

1. The full name of every party or *amicus* represented by me is:

Ningxia Guanghai Cherishmet Activated Carbon Co., Ltd., Beijing Pacific Activated Carbon Products Co., Ltd., Cherishmet Inc., Datong Municipal Yunguang Activated Carbon Co., Ltd., and Shanxi Industry Technology Trading Co., Ltd.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest)

Not applicable.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

Not applicable.

4. The names of all law firms and the partners or associates that have appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

Francis J. Sailer, Mark E. Pardo, Andrew T. Schutz, Dharmendra N. Choudhary, and Kavita Mohan of the law firm Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP (GDLSK) appeared in the trial court below and Francis J. Sailer, Mark E. Pardo, Andrew T. Schutz, and Kavita Mohan of GDLSK are expected to appear in this court.

Date: November 3, 2014

/s/Francis J. Sailer

Francis J. Sailer
Counsel for Plaintiffs-Appellants

FORM 30. Certificate of Service

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on
by:

November 3, 2014

- ☐ US mail
☐ Fax
☐ Hand
☒ Electronic Means
(by email or CM/ECF)

Francis J. Sailer

Name of Counsel

/s/ Francis J. Sailer

Signature of Counsel

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.